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8 Attorneys for Plaintiff

9 NORMAN LEVY

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12
13 NORMAN LEVY, an individual.

14 Plaintiff,

15 v.

16 UNITED STATES OF AMERICA; and
17 DOES 1 to 50, inclusive.

18 Defendants.
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20

Case No.:

COMPLAINT FOR DAMAGES

1. PREMISES LIABILITY

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22 COMES NOW, Plaintiff, NORMAN LEVY, and alleges against
23 Defendants, and each of them, as follows:

24 **I.**

25 **JURISDICTION**

26 1. This action is brought pursuant to the Tort Claims Act, 28 U.S.C.
27 §2671 et seq. Jurisdiction is founded on 28 U.S.C. §§1346(b).

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1 IV.

2 **FACTS COMMON TO ALL ACTIONS**

3 7. Plaintiff is informed and believes, and based upon such information
4 and belief alleges that at all times relevant hereto Defendants UNITED
5 STATES OF AMERICA; and Does 1 to 50, inclusive, are, and at all times
6 herein mentioned were public entities, corporations, sole proprietors,
7 shareholders, associations, partners and partnerships, joint ventures, and/or
8 business entities unknown. At all times herein mentioned, said Defendants
9 were the owners, lessors, sub-lessors, managing agents, landlords, renters,
10 managers, operators, marketers, inspectors, maintainers and controllers, of
11 the premises located at or near Boardwalk at Ocean Beach, San Francisco,
12 CA 94108, (hereinafter referred to as "THE SUBJECT PREMISES"), to
13 which the general public is invited to come.

14 9. At all times herein mentioned, each of the Defendants were the
15 agents, servants, and employees of their co-defendants, and in doing the
16 things hereinafter alleged were acting in the scope of their authority as
17 agents, servants, and employees, and with permission and consent of their co-
18 defendants. Plaintiff is further informed and believes, and thereon alleges,
19 that each of the Defendants herein gave consent to, ratified, and authorized
20 the acts alleged herein to each of the remaining Defendants.

21 10. On September 21, 2021, Plaintiff submitted a claim based on the
22 allegations herein to Defendant UNITED STATES OF AMERICA for
23 administrative settlement and has not been rejected by an agent for
24 Defendant UNITED STATES OF AMERICA.

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1 the dangerous condition, for a sufficient time prior to the injury to have taken
2 measures to protect against the dangerous conditions.

3 16. As a legal, direct, and proximate result of the above-mentioned
4 conduct of Defendants UNITED STATES OF AMERICA; and Does 1 to 50,
5 inclusive, and each of them, Plaintiff was injured in his health, strength and
6 activity, sustaining injury to his body, and shock and injury to his person, all
7 of which have caused and continue to cause great physical, mental, and
8 emotional pain and suffering all to his general damages, the exact amount of
9 such to be stated according to proof.

10 17. As a legal, direct, and proximate result of the above-mentioned
11 conduct of Defendants UNITED STATES OF AMERICA; and Does 1 to 50,
12 inclusive, and each of them, Plaintiff was compelled to and did employ the
13 services of hospitals, physicians, surgeons, nurses and the like, to care for
14 and treat him, and did incur hospital, medical, professional and incidental
15 expenses, the exact amount of such to be stated according to proof.

16 18. As a legal, direct, and proximate result of the above-mentioned
17 conduct of Defendants UNITED STATES OF AMERICA; and Does 1 to 50,
18 inclusive, and each of them, Plaintiff will necessarily incur additional like
19 expenses for an indefinite period of time in the future, the exact amount of
20 such to be stated according to proof.

21 19. As a direct and proximate result of the negligence, carelessness, and
22 violation of the law by Defendants UNITED STATES OF AMERICA; and
23 Does 1 to 50, inclusive, and each of them, Plaintiff has and will incur a loss
24 of earnings and/or loss of earning capacity, which will be stated according to
25 proof, pursuant to California Code of Civil Procedure section 425.10.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff demands judgment against Defendants as
3 follows:

- 4 1. For general damages in a sum according to proof;
5 2. For medical, hospital, and related expenses according to proof;
6 3. For loss of earnings according to proof;
7 4. For loss of future earning capacity according to proof;
8 5. For costs of suit incurred herein;
9 6. For such other and further relief as this Court may deem proper.

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12 DATED: September 1, 2022

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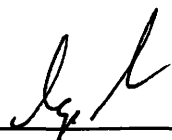
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15 _____
16 Igor Fradkin, Esq.
17 Attorney for Plaintiff,
NORMAN LEVY

18 **JURY TRIAL DEMAND**

19 Plaintiff demands trial by jury of all issues so triable.

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21 DATED: September 1, 2022

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24 _____
25 Igor Fradkin, Esq.
26 Attorney for Plaintiff,
27 NORMAN LEVY
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